

REMARKS

Claims 1-23 are pending herein.

No new matter is added by this Request for Reconsideration After Final Rejection.

I. Previously Presented Objections and Rejection

Applicants appreciate the indication from the Patent Office that the previously presented objections to the Declaration and Drawings have been withdrawn. Applicants also appreciate the Patent Office's withdrawal of the rejection under 35 USC §112, second paragraph, of claims 3 and 15.

II. Rejection Under 35 USC §102(b)

Claims 1-23 were rejected by the Patent Office under 35 USC §102(b) for allegedly being anticipated by US Patent No. 6,385,620 to Kurzius et al. (hereinafter "Kurzius"). Applicants respectfully traverse the rejection.

Claims 1 and 13 are independent claims. Claims 2-12 are dependent, either directly or indirectly, upon independent claim 1. Claims 14-23 are dependent, either directly or indirectly, upon independent claim 13.

Kurzius fails to anticipate the present invention because it does not describe, either expressly or inherently, each and every element of the present invention.

The Patent Office asserts that Kurzius "clearly teaches that each of acquirer and acquiree are notified when a match is made" citing Kurzius, column 14, lines 25-28, which states, "a recruiter and/or the candidate associated with the interest or feedback is notified that the interest or feedback has been indicated by the employer."

Applicants respectfully and strongly disagree with the Patent Office's assertion that each of the acquirer and acquiree are automatically notified in Kurzius.

The present invention recites a system and method for matching potential acquirees and potential acquirers based on one or more sets of criteria. The system and method both comprise an automatic notification means, wherein each of the potential acquirees and potential acquirers are notified if a score between the desired criteria and the actual criteria is greater than or equal to a pre-determined value.

In contrast to the presently claimed invention, Kurzius does not teach a process that provides automatic notification to an acquirer, i.e., potential employer, when a score between the desired criteria and the actual criteria greater than or equal to a predetermined value is determined by an automatic matching means. Kurzius teaches a process that only notifies a recruiter and/or candidate associated with the interest or feedback upon the election of an employer after the employer reviews candidates.

Throughout the specification, Kurzius specifies the candidate, recruiter, and employer as three distinct parties. This is shown, for example, in Kurzius, column 3, line 66 – column 4, line 1. According to commonly accepted definitions, the “employer” in Kurzius is analogous to the “acquirer” in the present invention. As cited above, Kurzius only describes notification to a “recruiter and/or candidate,” and not an employer. Thus, Kurzius does not teach notification to an acquirer as asserted by the Patent Office.

Further, Kurzius does not teach the automatic nature of the notification described in the present invention. The Patent Office asserts that “automatic notification to both the potential acquirer and the potential acquiree when a match is

made” is “indeed taught by Kurzius.” Applicants respectfully disagree with this assertion as well.

The present invention describes an automatic notification means, wherein each of the potential acquirees and potential acquirers are notified if a score between the desired criteria and the actual criteria is greater than or equal to a pre-determined value.

In contrast to the presently claimed invention, Kurzius makes no mention of automatic notification. Instead, Kurzius teaches that a candidate to a job posting is not identified as meeting the job posting requirements as identified by the employer until the employer first reviews the candidates meeting the job posting requirements. For example, citing the same quote from Kurzius as above, “In step 1112, a recruiter and/or the candidate associated with the interest of feedback is notified that the interest or feedback has been indicated by the employer.” See, Kurzius, column 14, lines 25-28 (emphasis added).

According to the teachings of Kurzius, a candidate is only notified of a potential match with an employer upon at least two steps of review. That is, first, according to Kurzius, the candidate must meet the requirements of the job posting as determined by the employer. Then, the employer reviews the candidates meeting the requirements of the job posting, after which point the candidates meeting the requirements of the job posting are notified only if the employer indicates that the candidate is of interest to them. For example, Kurzius states “in step 1108, an employer may indicate interest in the candidate profile or present feedback associated with the candidate profile and transmit such interest or feedback for receipt by employer web engine.” (Emphasis added.)

In other words, according to Kurzius, a candidate may meet the job requirements of an employer and the employer may choose to not contact the candidate based on any of a number of variables, including discriminatory reasons.

Furthermore, requiring the initial review by employers as described in Kurzius may expend time and energy that otherwise would not need to be met. For example, in Kurzius, because an employer must first review potential candidates, the employer may waste time reviewing resumes from candidates no longer looking for new employment, candidates not interested in working in the particular field or company, etc. These are steps that the present invention avoids. See, for example, paragraph [0010] of the present application.

In contrast, the present automatic notification means to both the potential acquiree and the potential acquirer allows a potential acquiree to take the initiative to contact a potential acquirer to which he is matched in order to share interest in the open position, decline interest, inquire for additional information, and the like. In the present invention, an acquirer does not have discretion to decline notification to a potential acquiree where the potential acquiree meets or exceeds a predetermined value based on matching desired criteria of the acquirer.

The presently claimed invention allows for a more open atmosphere in the recruiting and placement fields and to whom an individual is matched such that the potential acquirer has the assurance and knowledge that they meet the requirements requested by the potential acquirer.

Nowhere does Kurzius describe automatic notification to both the employer and the candidate when a match is made. The presently claimed invention recites that both

the potential acquirer and the potential acquiree are automatically notified when a match is made which allows for a more open recruiting system substantially freer of discrimination.

Thus, for the forgoing reasons, Applicants respectfully submit that Kurzius fails to anticipate the presently claimed invention because Kurzius fails to describe every aspect of the presently claimed invention. Reconsideration and withdrawal of the rejection are respectfully requested.

III. Conclusion

In view of the foregoing remarks, Applicants submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-23 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David M. Lafkas', enclosed within a large, loopy oval scribble.

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